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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,898	03/30/2001	Richard A. Dias	024009-0276266	9041

7590 01/03/2003

PILLSBURY, WINTHROP LLP
1600 TYSONS BOULEVARD
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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,898

Applicant(s)

Dias

Examiner

Popovics

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on Election of 10/23/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 43-54 AND 58 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 43-54 AND 58 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1724

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group III (claims 43-54 and 58) in Paper No. Six is acknowledged.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **varying screen pore sizes** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. Claims 43-54 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Frankl (4,592,275) and Fontein (2,916,142).

The claims 43,46 and 49 essentially differ from Frankl by specifying two, or a range of opening diameters. Frankl discloses the use of an inclined screen to process animal waste which employs a spray bar 60. The use of such screens to process animal waste is very well known in the art, and the device disclosed by Frankl is merely exemplary. Frankl does not appear to expressly disclose varied opening diameters. Fontein discloses an inclined screen for wet

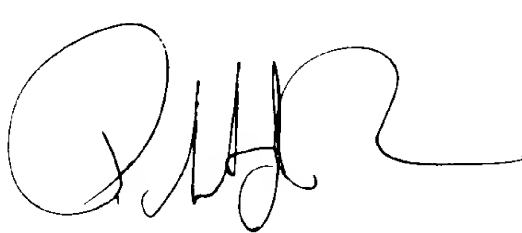
Art Unit: 1724

screening of liquid suspensions (col. 1, lines 15-20). Claim 11 of Fontein recites a "means for varying the width of said separate fraction," while claim 12 specifies means for controlling the air (also see col. 11, lines 25-35). It would have been obvious to one of ordinary skill in the art to employ the device of Fontein to filter manure in order to separate various sized fractions; i.e., separate "useful feed values" from non-useful feed values. Absent a showing of unexpected results or criticality specifically associated with the various flowrates and dimension, they are submitted to be parameters that would have been routinely optimized by one of ordinary skill in the art.

Claim Objections

4. Claims 43-54 and 58 are objected to because of the following informalities: Many of these claims recite "**slopped**" as opposed to **--sloped--**. Appropriate correction is required.
5. **A complete set of the pending claims ("clean copy") is required with any response to this action.**
6. Any inquiry concerning this communication should be directed to Examiner Popovics at telephone number (703) 308-0684.

RJP
December 30, 2002


**ROBERT J. POPOVICS
PRIMARY EXAMINER**